



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

This letter is in response to your request for Department of State comments on HR 4836 "To establish a system to promote the use of land remote-sensing satellite data, and for other purposes." The Bill would guide the United States Government in promoting full, prompt, and proper involvement of the private sector in civil land remote-sensing from space.

The Department of State recommends that this Bill be enacted only if the following modifications to Section 606 are made:

-- -- Section 606 (A) add the following sentence at the close: "The Secretary of Defense shall determine those conditions necessary to impose on any system operator to meet the national security concerns of the United States;"

-- -- Section 606 (B) (1) add the following sentence at the close: "The Secretary of State shall determine those conditions necessary to impose on any system operator to meet the international obligations and foreign policy concerns of the United States;" *Shang*

-- -- Section 606 (C) (1) delete;

-- -- Section 606 (C) (2) change to read as follows:

"Should the Secretary determine during the lifetime of any agreement made between the Government and private operator(s) arising from this act that a modification of the agreement is required to meet conditions newly imposed by national security and/or foreign policy the Secretary shall obtain the

The Honorable
James Scheuer, Chairman,
Subcommittee on Natural Resources,
Agricultural Research and Environment,
House of Representatives.

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concurrence of the Secretaries of Defense and/or State in determining whether, and to what extent, a reimbursement to a private operator for losses incurred is warranted."

We believe the above changes are required for the following reasons. The addition of language to Sections 606 (A) and (B) (1) setting forth the roles of the Secretaries of Defense and State respectively will clarify their authority and positions within the decision-making process. Section 606 (C) (1) should be deleted because, if enacted, it would withdraw from the Secretaries of State and Defense their fundamental authority to make basic policy regarding national security and international relations. Sections 606 (A) and (B) (1) and (2), with the additions suggested above, clearly and fully set forth the authorities of the Secretaries of Defense and State in the promotion of land remote sensing satellite and data use, as well as their proper and appropriate relationship in this matter to the Secretary of Commerce. Should it be determined that Section 606 (C) (1) must be retained, we would accept a change of text to read as follows: "The Secretary, in consultation with the Secretary of Defense and the Secretary of State, is authorized to determine reasonable and appropriate action on any system operator as described in Section 401 when national security concerns or international obligations are not met".


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
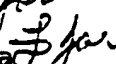

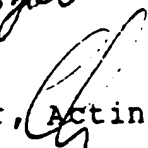
Section 606 (C) (2) must be revised because, if enacted as is, it would required that if the Secretary of Commerce so determined, the Departments of Defense and State would be compelled to reimburse a private operator for any burdens imposed by the Government in fulfillment of its constitutionally-mandated responsibilities to ensure the national security and to make foreign policy. Section 606 (C) (2), as written, also suggests that in an indirect fashion, a private entity operating the nation's land remote-sensing system could have a kind of veto over both the national security and foreign policy of this country. It also seems to grant the Secretary of Commerce authorities and responsibilities historically exercised by the Departments of State and Defense.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

W. Tapley Bennett, Jr.
Assistant Secretary
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